

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

LUE JEAN DOSS Individually and For and
On Behalf of the Wrongful Death
Beneficiaries of JESSIE LOYD, Deceased

PLAINTIFF

V.

CIVIL ACTION NO. 1:04CV376-B-D

BEVERLY ENTERPRISES, INC.,
BEVERLY ENTERPRISES-MISSISSIPPI,
INC. d/b/a BEVERLY HEALTHCARE-AMORY,
JAMES C. LANDERS, TAMMY MARTIN,
and SHIRLEY MILLS

DEFENDANTS


ORDER GRANTING MOTION TO DISMISS

This cause comes before the court upon the motion of defendant Beverly Enterprises, Inc., (BEI) to dismiss. The defendant asserts that the court lacks personal jurisdiction over BEI because BEI is a corporation organized under the laws of the State of Delaware with its principal place of business in Arkansas and has no contacts with the State of Mississippi. BEI's representative has submitted sworn testimony in support of this argument. The defendant alleges that it is not licensed to do business in Mississippi and indeed does not do business in Mississippi.

The court notes that the plaintiff has not responded to the present motion; thus, it is apparent to the court that the plaintiff has simply sued the incorrect entity and that Beverly Enterprises-Mississippi, not BEI, is the proper corporate defendant in this case.

It is, therefore, **ORDERED AND ADJUDGED** that the defendant BEI's motion to dismiss is **GRANTED**.

This, the 1 day of July, 2005.


NEAL B. BIGGERS, JR.
SENIOR U.S. DISTRICT JUDGE